IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27/08/2002

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THE HONOURABLE MR.JUSTICE P.D.DINAKARAN

W.P.No.33937 of 2002

The Venkataramana Ayurveda College
rep. by its Secretary
596, A1 & A2, 31st Street
TNHB Colony, Periyar Nagar
Korattur, Chennai – 600 080 .. Petitioner

Vs

1. The Tamilnadu Dr.M.G.R
Medical University, Chennai
rep. by its Registrar,
Anna Salai, Guindy
Chennai – 600 032.

2. The Director of Indian Medicine
and Homeopathy, Chennai – 600 106. .. Respondents

PRAYER: This writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus as stated within.

For Petitioner : Mr.K.Doraisamy
Senior Counsel

For Respondents : No apperance

:ORDER

Aggrieved by the proceedings dated 17.8.2002 of the first respondent, refusing to continue provincial affiliation to the petitionerCollege for the academic year 2002-2003, the petitioner-College seeks a writ of Certiorarified Mandamus to call for the records of the first respondent in letter Rc.No.24555/Affln.II(2)/95, dated 17.8.2002, quash the same and to direct the respondents to include the petitionerCollege for the purpose of admission under Single Window System for 2002 -2003.

2. A reading of the impugned order dated 17.8.2002 makes it clear that the Affiliation Sub Committee after inspecting and examining the petitioner-College observed that there are several deficiencies in the field of appointing the teaching staff, providing facilities like laboratory, hospital, herbal garden as well as infrastructures, which is a condition

precedent for extending the provincial affiliation.

3. The impugned order dated 17.8.2002 mentions the following infirmities:
"(i) Extended permission of the Central Council of Indian Medicine for the academic year 2002-2003 not furnished.

(ii) Shortfall in the following category of teaching staff

a. Professor .. 13
b. Reader/Assistant Professor .. 14
c. Lecturer .. 12

(iii) You have not furnished the details and documentary evidence for having facilities like workshop, laundry, canteen, auditorium, etc.

(iv) You have not furnished the details and documentary evidence of having journals in the library of your Ayurveda College.

(v) The trust has 12 bedded own hospital instead of 100 bedded own hospital required as per Ayurveda.

(vi) The equipment/training materials provided for each department is inadequate.

(vii) The trust has not made arrangements to develop and expand its own herbal garden."

4. The Apex Court in THE UNIVERSITY OF MYSORE AND ANOTHER Vs. C.D. GOVINDA RAO AND ANOTHER reported in AIR 1965 SC 491 has held as follows:

"... Boards of Appointments are nominated by the Universities and when recommendations made by them and the appointments following on them, are challenged before courts, normally the courts should be slow to interfere with the opinions expressed by the experts. There is no allegation about mala fides against the experts who constituted the present Board; and so, we think, it would normally be wise and safe for the courts to leave the decisions of academic matters to experts who are more familiar with the problems they face than the courts generally can be."

5. Following the said decision of the Apex Court in THE UNIVERSITY OF MYSORE AND ANOTHER Vs. C.D.GOVINDA RAO AND ANOTHER reported in AIR 1965 SC 491, a Division Bench of this Court in DR.ALEXANDER EDUCATIONAL FOUNDATION Vs. UNIVERSITY OF PONDICHERRY reported in (1992) II MLJ 97, upheld the withdrawal of the provincial affiliation granted to a private medical institution, which was imparting B.Pharm, B.Sc Nutrition, B.Sc. M.L.T. Courses, based on the inspection report of the experts, and the said decision of the Division Bench of this Court was subsequently confirmed by the Apex Court.

5. The medical colleges, which are imparting education to the

students of medical science to save lives of the innocent public, are expected to comply with the minimum requirements which are contemplated under the statutes and there cannot be any compromise or relaxation of such conditions nor it would be permissible for this Court to relax such conditions that are contemplated under the relevant Regulations and found lacking in the petitioner-College, by the experts.

Hence, finding no justification, this writ petition is dismissed, however without prejudice to the right of the petitioner to comply with the requirements and to approach the respondent for provincial affiliation afresh, and the respondents on satisfying the compliance of the requirements shall pass appropriate orders, on merits. No costs. Consequently, WPMP No.50177 of 2002 is also dismissed.

Index: Yes
Internet:Yes

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To:

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Chennai – 600 032.

2. The Director of Indian Medicine
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